

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

TERRY SIMMONS

v.

JO ANNE B. BARNHART,  
COMMISSIONER OF SOCIAL SECURITY

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CIVIL ACTION NO. G-04-209

**ORDER**

Before the Court is the Report and Recommendation of the United States Magistrate Judge entered on July 19, 2005, to which Plaintiff has failed to file Objections after being given ample to do so.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Magistrate Judge' s Report and Recommendation should be **ACCEPTED** in its entirety. Accordingly, Defendant' s Motion for Summary Judgment (Instrument No. 9) is **GRANTED**; Plaintiff' s Motion for Summary Judgment (Instrument No. 8) is **DENIED**; and the above-styled action is **DISMISSED**.

**DONE** at Galveston, Texas this 18<sup>th</sup> day of August, 2005.

  
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Samuel B. Kent  
United States District Judge